

A BILL

TO BE ENTITLED

AN ACT creating within the State of Texas in addition to the districts into which the State has heretofore been divided a Navigation District to be known as THE CALHOUN COUNTY NAVIGATION DISTRICT consisting of all that part of Calhoun County, including all the land and water area of the County, except that part of said County now included by metes and bounds in the WEST SIDE CALHOUN COUNTY NAVIGATION DISTRICT as described in Vol. H, Pages 568-570, Minutes of the Commissioners' Court of Calhoun County, Texas; declaring such district to be a Governmental Agency and body politic, corporate with the powers of government and with the authority to exercise all of the rights, privileges and functions of a Navigation District created under the authority of Chapter 9, Vernon's Civil Statutes of Texas as amended, except as specifically restricted; declaring that the creation of such a district to be essential to the accomplishments of Section 59, of Article 16, of the Constitution of the State of Texas, to the extent so as to authorize the improvement of navigation, the maintenance, development, and extension of port facilities, wharf and dock facilities, within the boundaries of said district; Declaring the same to be essential to the general welfare of the State for the development of marine shipping; providing for governing board of six (6) Navigation Commissioners with certain qualifications, to be appointed by the Commissioners' Court of Calhoun County, Texas, two for two-year terms, two for four-year terms, two for six-year terms; Providing for traveling expense and compensation; granting to the Navigation Commissioners and the district the authority to exercise all powers, duties, rights, privileges and functions conferred by general law, Chapter 9, Civil Statutes of Texas as amended, to any Navigation District created pursuant to Section 59, Article 16 of the Constitution of Texas, to accomplish the purposes provided without limitation except as to the power of taxation, as to valuation, assessment and collection; Denial of the right of the majority of the members to change the form of the Navigation District to any other type of district and providing other limitations including the limitation of the rights of said district to purchase submerged State land, islands or part of the shore within the City Limits of any incorporated town or land in front of property owned by such town without the consent of the Governing Board of such town or the purchase of such lands adjacent to a public or privately improved channel, or dock, without the consent of the majority of the Commissioners' Court; providing a severability clause; and declaring an emergency.

BE IT ENACTED BY THE STATE LEGISLATURE OF TEXAS:

SECTION 1. There is hereby created within the State of Texas, in addition to the districts into which the State has heretofore been divided, a navigation district to be known as THE CALHOUN COUNTY NAVIGATION DISTRICT, situated in Calhoun County, Texas, consisting of all that part of Calhoun County, including all land and water areas of said County, except that part of said County now included within the metes and bounds of the WEST SIDE CALHOUN COUNTY NAVIGATION DISTRICT as described in Vol. H, Pages 568-570 of the Minutes of the Commissioners' Court of Calhoun County, Texas. Such

district is hereby declared to be] a Governmental Agency and body politic and incorporate with the powers of government and with the authority to exercise all of the rights, privileges and functions of a Navigation District created under the authority of Chapter 9, Vernon's Civil Statutes of Texas, as amended, except as hereinafter specifically restricted, and the creation of such district is hereby determined to be essential to the accomplishments of the purposes of Section 59, of Article 16, of the Constitution of the State of Texas, to the extent hereinafter authorized for the improvement of navigation and the maintenance, development and extension and improvement of port facilities, wharf and dock facilities, within the boundaries of said district hereby established, which is declared to be essential to the general welfare of the State of Texas, for the development of marine shipping.

SECTION 2. The Governing Board of said district shall consist of six (6) Navigation Commissioners, who shall be appointed by the Commissioners' Court of Calhoun County, Texas, and which Navigation Commissioners shall be bona fide residents of the district, qualified voters thereof, who own real property therein, which has been duly rendered for taxation. From among the appointments so made by the Court, the Court shall appoint from each Commissioners' Precinct within said district at least one member who is a bona fide resident of such precinct, the remaining members may be appointed from any area of said district. Two Commissioners shall be appointed for a two-year term, Two Commissioners shall be appointed for a four-year term, and two Commissioners shall be appointed for a six-year term, and upon the expiration of a respective term of said Commissioners the successor of each shall be appointed for a six-year term; or in the case of a resignation, or other failure to serve, for the unexpired term. All said terms shall begin upon the ^{affected} date of this ^{act}. The necessary traveling expense and compensation of such board shall be fixed by the Commissioners' Court of Calhoun County, to be paid out of district funds.

SECTION 3. The Board of Navigation Commissioners shall have, and the district is hereby authorized to exercise, all powers, duties, rights, privileges and functions conferred by general law, Chapter 9, Civil Statutes of Texas, as amended, of any Navigation District created pursuant to Section 59, Article 16 of the Constitution of Texas, appropriate to the accomplishment of the purposes set forth in Section 1, hereof, without limitations generally except as follows:

(a) The maximum taxing power of said district when authorized by a majority vote of the resident property tax paying citizens of said district, shall not exceed ~~15~~ ^{ent} ~~15~~ ^{1/2} Cents on each One hundred ~~\$100.00~~ Dollars valuation of all the taxable property within said Navigation District whether real, personal, mixed or otherwise, which valuation shall be based only upon the values as fixed by the County Commissioners' Court serving as a Board of Equalization, to be assessed and collected by the Assessor and Collector of Taxes of Calhoun County, Texas.

(b) The Board of Navigation Commissioners shall not have the power and shall not be authorized by a vote of its members to change this district from a Navigation District to any other type of district authorized by general law.

(c) Said district shall not have the power, right or authority to purchase from the State of Texas, any of the submerged land, State owned islands or part of the shore below the highest tide in winter within the ~~City~~ ^{limits} of any incorporated city or town or within the extended boundaries cut into the bay to the six-foot depth in front of any property owned by any such incorporated city or town, without the majority consent of the governing board thereof, or purchase the same from the State elsewhere within the district, adjacent to any public or privately improved channel or dock without the consent of the majority of the County Commissioners' Court.

(d) That such limitation of power shall not hereafter be changed by any general or special law unless this act itself is specifically designated and amended. (5)

SECTION 4. The provisions of this act are separable, and if any section, or part thereof, shall be held unconstitutional or void by any court of competent jurisdiction, for any reason, such holding shall not affect the validity of any of its remaining sections or parts of this act, and the remaining sections shall remain and be in full force and affect.

SECTION 5. The fact that the creation of the Navigation District to be known as THE CALHOUN COUNTY NAVIGATION DISTRICT will enable the citizens of such area to make proper provision for navigation, dockage and wharfage for marine shipping for the general welfare of this State, not now possible because of the unrestricted power of general law, and crowded condition of the calendar creates an emergency and an imperative public necessity requiring the constitutional rule requiring bills to be read on three ^{in each House} several days before their passage, be suspended; and such rule is hereby suspended, and this act shall take affect and be in force from and after its passage, and it is so enacted.

Austin, Texas

April 7, 1953

Hon. Ben Ramsey
President of the Senate

Sir:

We, your Committee on Water Rights, Irrigation and Drainage,
to whom was referred S. B. No. 302, have had the same
under consideration, and we are instructed to report it
back to the Senate with the recommendation that it do _____
pass _____ and be _____ printed.


Chairman

Amendment # 1

Amend S. B. 302, by inserting in Subsection "a" of Section 3, on page #3, in the blank after the word "exceed" on line 3 of said Subsection "a", the words and figures "fifteen (15) cents".

Bell *Bell*

ADOPTED
20 1953
Bell
SECRETARY OF SENATE

Amendment # 2

P

p. 2

Amend S. B. 302, by inserting after the word "Texas" on line 3, of Section 2 the following: or thereafter elected as provided by general law from the area hereafter designated, and by inserting in Section 2 thereof, line 15 of said Section 2, after the word "appointed" the following: "or elected".

2a

p. 3

Bell

ADOPTED

APR 20 1953

Bell

SECRETARY OF SENATE

Sp. 3
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Amendment 3

Amend S. B. 302, line 25, page 2 of the printed bill
by inserting a semicolon between the words "precinct"
and "the".

Bell

Bell

ADOPTED

APR 20 1953

Bee

SECRETARY OF SENATE

b. ✓
Amendment # 4

Amend S. B. 302, line 20, page 2, of the printed bill
by striking out the word "Shall" and inserting in lieu
thereof the word "shall".

Bell

Bell

ADOPTED
APR 20 1953
Bell
SECRETARY OF SENATE

Amendmen t

Amend S. B. 302, page 3, line 7 of the printed bill by
striking out the word "if" and inserting in lieu thereof
the word "is".

Ball

Bel

Amend caption to conform to body
of bill.

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ADOPTED

APR 20 1953

Bell

SECRETARY OF SENATE

A BILL TO BE ENTITLED:

AN ACT

creating within the State of Texas in addition to the districts into which the State has heretofore been divided a Navigation District to be known as The Calhoun County Navigation District consisting of all that part of Calhoun County, including all the land and water area of the county, except that part of said county now included by metes and bounds in the West Side Calhoun County Navigation District as described in Volume H, pages 568-570, minutes of the Commissioners Court of Calhoun County, Texas; declaring such district to be a Governmental Agency and body politic, corporate with powers of government and with the authority to exercise all of the rights, privileges and functions of a Navigation District created under the authority of Chapter 9, Vernon's Civil Statutes of Texas as amended, except as specifically restricted; declaring the creation of such a district to be essential to the accomplishments of Section 59, of Article 16, of the Constitution of the State of Texas, to the extent so as to authorize the improvement of navigation, the maintenance, development, and extension of port facilities, wharf and dock facilities, within the boundaries of said district; declaring the same to be essential to the general welfare of the State for the development of marine shipping; providing for governing board of six (6) Navigation Commissioners with certain qualifications, to be appointed by the Commissioners Court of Calhoun County, Texas, or thereafter elected as provided by General Law, two for two-year terms, two for four-year terms, two for six-year terms, and providing for appointment or election of their successors for six-year terms; providing

for traveling expense and compensation; granting to the Navigation Commissioners and the district the authority to exercise all powers, duties, rights, privileges and functions conferred by General Law, Chapter 9, Civil Statutes of Texas as amended, to any Navigation District created pursuant to Section 59, Article 16 of the Constitution of Texas, to accomplish the purposes provided without limitation except as to the power of taxation, as to valuation, assessment and collection; defining the taxing power of the district and prescribing the method of assessment and collection of taxes; denial of the right of the majority of the members to change the form of the Navigation District to any other type of district and providing other limitations including the limitation of the rights of said district to purchase submerged State land, islands or part of the shore within the city limits of any incorporated town or land in front of property owned by such town without the consent of the Governing Board of such town or the purchase of such lands adjacent to a public or privately improved channel, or dock, without the consent of the majority of the Commissioners Court; providing a severability clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. There is hereby created within the State of Texas, in addition to the districts into which the State has heretofore been divided, a Navigation District to be known as The Calhoun County Navigation District, situated in Calhoun County, Texas, consisting of all that part of Calhoun County, including all land and water areas of said county, except that part of said county now included within the metes and bounds of the West Side Calhoun County Navigation District as described in Volume H, pages 568-570 of the minutes of the Commissioners Court of Calhoun County, Texas. Such district is hereby declared to be

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X
R. S. Charles
R. S. Charles

a Governmental Agency and body politic and corporate with the powers of government and with the authority to exercise all of the rights, privileges and functions of a Navigation District created under the authority of Chapter 9, Vernon's Civil Statutes of Texas, as amended, except as hereinafter specifically restricted, and the creation of such district is hereby determined to be essential to the accomplishments of the purposes of Section 59, of Article 16, of the Constitution of the State of Texas, to the extent herein-after authorized for the improvement of navigation and the maintenance, development and extension and improvement of port facilities, wharf and dock facilities, within the boundaries of said district hereby established, which is declared to be essential to the general welfare of the State of Texas, for the development of marine shipping); add 3 here

Sec. 2. The Governing Board of said district shall consist of six (6) Navigation Commissioners, who shall be appointed by the Commissioners Court of Galveston County, Texas, or thereafter elected as provided by General Law from the area hereafter designated, and which Navigation Commissioners shall be bona fide residents of the district, qualified voters thereof, who own real property therein, which has been duly rendered for taxation. From among the appointments so made by the Court, the Court shall appoint from each Commissioners Precinct within said district at least one member who is a bona fide resident of such precinct; the remaining members may be appointed from any area of said district. Two Commissioners shall be appointed for a two-year term, two Commissioners shall be appointed for a four-year term, and two Commissioners shall be appointed or elected for a six-year term, and upon the expiration of a respective term of said Commissioners the successor of each shall be appointed for a six-year term; or in the case of a resignation,

~~or other failure to serve, for the unexpired term. All said terms shall begin upon the effective date of this Act. The necessary traveling expense and compensation of such board shall be fixed by the Commissioners Court of Calhoun County, to be paid out of district funds.~~

Sec. 3. The Board of Navigation Commissioners shall have, and the district is hereby authorized to exercise, all powers, duties, rights, privileges and functions conferred by General Law, Chapter 9, Civil Statutes of Texas, as amended, of any Navigation District created pursuant to Section 59, Article 16 of the Constitution of Texas, appropriate to the accomplishment of the purposes set forth in Section 1, hereof, without limitations generally except as follows: add 3 here

(a) The maximum taxing power of said district, when authorized by a majority vote of the resident property taxpaying citizens of said district, shall not exceed Fifteen (15 $\frac{1}{2}$) Cents on each One Hundred (\$100.00) Dollars valuation of all the taxable property within said Navigation District whether real, personal, mixed or otherwise; which valuation shall be based only upon the values as fixed by the County Commissioners Court serving as a Board of Equalization, to be assessed and collected by the Assessor and Collector of Taxes of Calhoun County, Texas.

(b) The Board of Navigation Commissioners shall not have the power and shall not be authorized by a vote of its members to change this district from a Navigation District to any other type of district authorized by General Law.

(c) Said district shall not have the power, right or authority to purchase from the State of Texas, any of the submerged land, State owned islands or part of the shore below the highest tide in winter within the city limits of any incorporated city or town or within the extended boundaries out into the bay to the six-foot depth in front of any property owned by any such incorporated city or town, without the majority consent of the Governing Board thereof, or purchase the same from the State elsewhere within the district, adjacent to any public or privately improved channel or dock without the consent of the majority of the County Commissioners Court.

(d) That such limitation of power shall not hereafter be changed by any General or Special Law unless this Act itself is specifically designated and amended.

(e) *Adopted here -* (f) *Entered P. A.*
Sec. 4. The provisions of this Act are separable, and if any section, or part thereof, shall be held unconstitutional or void by any court of competent jurisdiction, for any reason, such holding shall not affect the validity of any of its remaining sections or parts of this Act, and the remaining sections shall remain and be in full force and effect.

Sec. 5. The fact that the creation of the Navigation District to be known as The Calhoun County Navigation District will enable the citizens of such area to make proper provision for navigation, dockage and wharfage for marine shipping for the general welfare of this State not now possible because of the unrestricted power of General Law, and crowded condition of the calendar, create an emergency and an imperative public necessity.

S. B. No. 302

requiring the Constitutional Rule requiring bills to be read on three several days in each House before their passage be suspended; and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted._____

FORM B

(For favorable reports on bills and resolutions where committee amendments are recommended.)

COMMITTEE ROOM

Date April 29, 1953

Hon. Reuben E. Sherrill
Speaker of the House of Representatives.

Sir:

We, your Committee on Conservation & Reclam., to whom was referred SB No. 302, have had the same under consideration and do hereby report back with recommendation that it do pass, as amended, and be printed.

Sherrill

Chairman.

(In the case of resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced. The comma following "pass" should be changed to a period.)

S. B. No. 302

✓
By: Bell
by request

APR 6 1953
Senate Rule 114 suspended by vote
of 29 yeas, 0 nays, to
introduce bill.

A BILL
TO BE ENTITLED

AN ACT creating within the State of Texas in addition to the districts into which the States have heretofore been divided a Navigation District to be known as THE CALHOUN COUNTY NAVIGATION DISTRICT consisting of all that part of Calhoun County, including all the land and water area of the County, except that part of said County now included by metes and bounds in the WEST SIDE CALHOUN COUNTY NAVIGATION DISTRICT as described in Vol. H, Pages 568-570, Minutes of the Commissioners' Court of Calhoun County, Texas; declaring the same to be a Governmental Agency with the power of a Navigation District under the authority of Chap. 9, Vernon's Civil Statutes to accomplish the purposes of Section 59, Article 16 of the Constitution of Texas subject to certain limitations providing for the appointment of six Commissioners with overlapping terms limiting its power of taxation as to right of purchase of State Land and as to certain other powers providing a severability clause and declaring an emergency.

APR 6 1953 Read first time
and referred to Committee
on Water Rights, Irrigation
& Ordinance

APR 8 1953 Reported Favorably.

APR 20 1953
READ SECOND TIME amended
AND ORDERED ENGROSSED

APR 20 1953
Amend caption to conform to body
of bill.

APR 20 1953
Constitutional Rule (Sec. 32, Art. III)
suspended by vote of 31 yeas,
0 nays, to place bill on third
reading and final passage.

APR 20 1953
READ THIRD TIME AND PASSED
BY THE FOLLOWING VOTE:

Yeas 31 Nays 0
Bell

4-22-53
Rese McGehee
Engrossing Clerk

By: Bell

S. B. No. 302

A BILL TO BE ENTITLED:

AN ACT creating within the State of Texas in addition to the districts into which the State has heretofore been divided a Navigation District to be known as The Calhoun County Navigation District consisting of all that part of Calhoun County, including all the land and water area of the county, except that part of said county now included by metes and bounds in the West Side Calhoun County Navigation District as described in Volume H, pages 568-570, minutes of the Commissioners Court of Calhoun County, Texas; etc., and declaring an emergency.

4- 6-53 Senate Rule 114 suspended by vote of 29 yeas, 0 nays, to introduce bill.

4- 6-53 Read first time and referred to Committee on Water Rights, Irrigation and Drainage.

4- 8-53 Reported favorably.

4-20-53 Read second time, amended, and ordered engrossed.

4-20-53 Amend caption to conform to body of bill.

4-20-53 Constitutional Rule (Sec. 32, Art. III) suspended by vote of 31 yeas, 0 nays, to place bill on third reading and final passage.

4-20-53 Read third time and passed by the following vote:
Yea 31, Nays 0.

Loyce M. Bell, Secretary of the Senate

4-22-53 Engrossed.

Essie McRae

ENGROSSING CLERK

APR 23 1953

SENT TO HOUSE

APR 23 1953

Received from
the Senate.

MAY 5 1953 Constitutional
Rule requiring bills to be read on
three several days suspended by
a four-fifths vote.
Yea 139 Nays 9

Clarence Jones

CHIEF CLERK
HOUSE OF REPRESENTATIVES

Clarence Jones

CHIEF CLERK
HOUSE OF REPRESENTATIVES

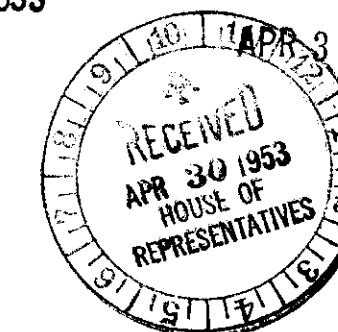
APR 23 1953

READ 1ST TIME
AND REFERRED TO COMMITTEE ON

Conservation + Reclamation

APR 29 1953

REPORTED FAVORABLY. AS AMENDED. SENT TO PRINTER.



MAY 5 1953

Read third time

and Passed
by following vote: yeas 140
Nays 8

Clarence Jones
CHIEF CLERK
HOUSE OF REPRESENTATIVES

MAY 4 1953

Read Second Time *Amended*
and passed to
third reading by vote *Yea 31* ayes, *0* nays.

MAY 5 1953

Clarence Jones

CHIEF CLERK
HOUSE OF REPRESENTATIVES

RETURNED MAY 5 1953

FROM HOUSE

with amendments

MAY 5 1953 Senate concurred in House amendments by the following vote: yeas, 27 nays.